

REMARKS

Claims 1-15 are pending in above-identified patent application. Claims 7, 10 and 15 have been withdrawn from consideration, Claims 1-3, 8 and 9 have been amended and new Claims 16-19 have been submitted for consideration by the Examiner. Applicants understand that upon allowance of a generic claim Applicants will be entitled to consideration of the withdrawn claims. Applicants respectfully request reconsideration and allowance of the instant application.

The Office Action objected to Figures 3 and 4 since Figure 3 illustrates one switch 30 and Figure 4 shows two switches 30. Applicants respectfully submit that Figures 3 and 4 are adequate. The position of plate 1 relative to plate 2 as shown in Figure 3 does not allow both limit switches 30 to enter slot 31. If plate 1 was sufficiently displaced to the right hand side of Figures 3 and 4, then the second switch 30 would be visible in slot 31 of Figure 3. Consequently, it is appropriate for Figure 3 to illustrate one switch 30 and Figure 4 to show two switches 30.

Applicants respectfully submit that the above Amendment to the specification overcomes the objection. Applicants request withdrawal of this objection.

Applicants respectfully submit that the above claim amendments overcome the rejection under 35 U.S.C. 112, second paragraph. Applicants request withdrawal of this rejection.

The rejection of Claims 1, 4 and 11-14 under 35 U.S.C. 102(c) as being anticipated by Bortolon (U.S.P.N. 6,364,047 B1), is respectfully traversed. Applicants reserve the right to challenge Bortolon as being prior art to the claimed invention.

Bortolon discloses an adjustable pedal assembly wherein the adjustment mechanism is located between the top-sliding and a bottom-stationary plate. With respect to Claim 1, the claimed drive mechanism is located above the sliding plate. For this reason, Bortolon cannot anticipate each and every aspect of the claimed invention and accordingly, Applicants respectfully request withdrawal of this rejection.

The rejection of Claims 3, 6 and 8 under 35 U.S.C. 102(e) as being anticipated by Bortolon (U.S.P.N. 6,364,047 B1), is respectfully traversed. Applicants reserve the right to challenge Bortolon as being prior art to the claimed invention.

Bortolon discloses an adjustable pedal assembly wherein the adjustment mechanism is located between the top-sliding and a bottom-stationary plate. With respect to Claim 3, the claimed means for changing position is located above the

sliding plate. For this reason, Bortolon cannot anticipate each and every aspect of the claimed invention and, accordingly, Applicants respectfully request withdrawal of this rejection.

The rejection of Claim 2 under 35 U.S.C. 102(b) as being anticipated by Liston (U.S.P.N. 4,499,963), is respectfully traversed.

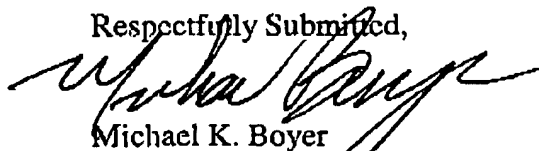
Liston discloses an adjustment means for operator control wherein an adjustable plate (28) is suspended below a stationary plate (30). With respect to Claim 2, Liston fails to disclose an upper plate that is slideable relative to a lower stationary plate. Liston, therefore, cannot anticipate each and every aspect of the claimed invention and, accordingly, Applicants respectfully request withdrawal of this rejection.

The rejection of Claims 5 and 9 under 35 U.S.C. 103(a) as being unpatentable over Liston (U.S.P.N. 4,499,963) in view of Asano et al. (U.S.P.N. 5,086,663), is respectfully traversed.

Liston contains the aforementioned deficiencies. These deficiencies are not remedied by the disclosure of Asano. The pedal system of Asano is structurally and functionally different than Liston's. For example, Asano's system is designed for an arcuate movement of the pedals whereas Liston employs a linear pedal adjustment (e.g. compare Fig 1 of Asano to Fig 2 of Liston). For these reasons a skilled person in this art would lack the requisite motivation to combine these diverse structures. Accordingly, Liston and Asano cannot be properly combined in order to establish a prima facie case of obviousness.

Please find attached hereto a Petition for a One-Month Extension of Time. Should there be any other fee due with this Response or otherwise due in connection with this Application, please also charge the same to Deposit Account No. 15-0680. Should the Examiner deem that any further action on the part of Applicant would advance prosecution, the Examiner is invited to telephone Applicants' attorney.

Respectfully Submitted,



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Encl.: Petition for a One Month Extension of Time